

REMARKS

Claims 1-45 were presented for examination. By this amendment, applicants are amending claims 36 and 38; and adding new claims 46-50.

The examiner rejected claims 1-6, 12-22, 24-27, 29-39, and 41-45 under Section 102(e) as being anticipated by a patent publication to Shoff. Applicants traverse this rejection because Shoff does not disclose all of the elements of the claims; furthermore, Shoff does not provide a teaching or suggestion of the claimed systems or methods.

Claim 1 recites in part “the receiving of program content and episode content occurring by downloading before the beginning of an episode.” For this feature, the examiner cites Figure 3 and paragraph 39 of Shoff. Figure 3 merely shows a table with pointers to a URL or a memory location where supplemental content can be found. Paragraph 39 similarly states that the program record in the data structure 44 holds pointers to storage locations within the continuous media server 42 which hold the video data streams of the programs corresponding to the program records. Neither Figure 3 nor paragraph 39 (and it is also believed nowhere in the remainder of Shoff) is there any teaching or even suggestion to provide program content and episode content by downloading before the beginning of an episode.

Claim 1 also states that the client receives from the server messages “each with one of a plurality of message types indicating one of a plurality of types of interactivity related to the episode of the event.” The claim goes on to state: “the base software using the message type to cause to be displayed on the display content associated with that message type and in a form particular to the message type.” For this, the examiner cites paragraphs 15 and 44. Paragraph 15 states that an electronic programming guide (EPG) is stored in memory and is executable on a processor, and that the EPG data field contains a pointer, URL, or other target specification to a target resource that supports the interactive content. Paragraph 44 is similar.

The examiner is taking the position that whether interactivity is on or off constitutes a plurality of types of interactivity. This is not a reasonable interpretation in general, and specifically here makes no sense. The messages are designed to cause the software to cause the identified content to be displayed. The content, according to the claim, has been previously downloaded as indicated by the first subparagraph of the claim. It therefore does not make sense

in this document for interactivity being “off” to be a message option from the server because the content would have already been downloaded. The examiner’s point, taken to its logical conclusion, is that content is downloaded, and then the system provides a message saying that there is no content.

In Shoff’s model, a URL or other memory location is pointed to for content to be provided along with the program. Shoff mentions an alternative in which a computer can have a storage device for playing a CD-ROM with content, although that CD –ROM would not be downloaded content, and there is no indication that the user computer would be responsive to messages from a server to indicate the interactivity to be displayed.

Walker, U.S. Patent No. 6,331,144, relates to a trivia game that is provided in conjunction with a slot machine. Walker is cited as a secondary reference for a rejection under Section 103(a) with respect to claims 7-11, 23, 28, and 40, with Shoff being the primary reference. Walker shows an electronic gaming system that allows a player to play a trivia game with the result improving the gambling odds.

The examiner cites language and says that Walker discloses that the trivia question game could be implemented in an alternative embodiment of a set top cable box. The portion of Walker that is cited by the examiner, col. 17, lines 26-34, actually makes no reference to a “set top cable box,” but uses the term “set-top device” and says it could be “similar to a cable box” and would function as a modular device intended to be provided as an add-on. Walker is thus not disclosing a cable set-top box, but a portable box that looks like one. Walker also does not disclose providing episode and program content by downloading an advance of a program and then using message types from a server to indicate on or another types of interactivity, and the examiner has not cited Walker for this purpose.

Because Shoff does not teach or suggest all of the elements of claim 1, alone or in combination with Walker, claim 1 should be allowable, as should dependent claims 2-16, 42, and 43 for at least the same reasons as claim 1.

Independent claim 17 was also rejected as being anticipated by Shoff. The examiner uses the same citations that were used for claim 1, namely Figure 3, the Abstract, and paragraphs 15, 39, and 44. As indicated above, these references in Shoff do not teach or suggest “program

content and episode content being downloadable before the beginning of an episode,” and also do not teach or suggest the step of the “server providing to the client message, each of one of a plurality of message types indicating one of a plurality of types of interactivity related to the episode of the event.

Claim 17 should therefore be allowable, as should dependent claims 18-35, 44, and 45 for at least the same reasons as claim 17.

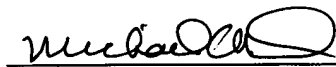
With respect to claim 36, the examiner cites Figure 2 and paragraphs 14, 15, 29, 31, and 32 as showing the limitations of claim 36. Claim 36 has been amended for clarity to specify that there are message types for indicating content that is on a user device, other content that can be provided from the server, and that the technical director is responsive to content input on the fly. The cited portions of Shoff do not provide any functionality of this types, but as indicated above, has as its primary embodiment, one in which a user has a pointer to a memory location or to a URL to obtain content during an episode of a program. Claim 36 and dependent claims 37-41 should therefore be allowable.

The new independent claims also include downloading content before an episode and providing or receiving messages to access stored content. The cited references do not include this feature.

All claims should now be in condition for allowance, and accordingly a notice of allowance is respectfully requested. If there are any remaining issues, the examiner is urged to contact applicant’s attorney at the telephone number listed below.

Respectfully submitted,

Date: January 26, 2005



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